IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.315 OF 2007

Dadar Manish Market Co-op. Soc. Ltd. ...Appellant
Versus
M/s.D.K.Enterprises & Ors. ...Respondents

Shri G.S.Godbole i/by Shri Dinesh P. Shah for the Appellant.
Shri Navin Parekh for the Respondent Nos.1 and 2.
Shri Cyrus Ardeshiv for the Respondent Nos.5 to 17.

CORAM : ABHAY S.OKA, J.
DATED : JUNE 13, 2007.

P.C.:

1. Heard learned counsel appearing for the parties. The Appeal is by the original Plaintiff by which exception has been taken to order dated 14th September, 2006 passed by the learned Judge of the City Civil Court at Mumbai. By the said order, prayer for ad-interim injunction made by the Appellant-Plaintiff has been refused and Notice of Motion for temporary injunction has been ordered to be heard.

2. After having heard the learned counsel appearing for the parties, I am of the view that no case is made out for interference at this stage with the discretionary order passed by the trial Court. From September 14th, 2006, there is no ad-interim order operating in favour of the Appellant-Plaintiff.

3. Considering the facts and circumstances of the case, Notice of Motion for temporary injunction filed by the Appellant deserves to be heard expeditiously.

4. Hence, I pass the following order:

(i) Appeal is dismissed with no orders as to costs.

(ii) Reply, if any, to the Notice of Motion shall be filed by the concerned Respondents within a period of three weeks from today. Rejoinder, if any, to be filed by the Appellant within a period of four weeks from today.

(iii) Hearing of the Notice of Motion is expedited and the trial Court shall endeavour to dispose of the Notice of Motion as expeditiously as possible and preferably within period of eight weeks from today.

(iv) It is obvious that the Notice of Motion will be decided on its own merits without being influenced by tentative findings recorded while passing the impugned order and confirmation thereof by this Court.

(v) It is obvious that parties will give inspection of the documents to each other as expeditiously as possible.

(vi) Parties and the concerned Court to act upon an

authenticated copy of this order.

JUDGE